

JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

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FILED  
CLERK'S OFFICE***BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION******IN RE PFIZER INC. SECURITIES, DERIVATIVE & "ERISA" LITIGATION******BEFORE WM. TERRELL HODGES, CHAIRMAN, JOHN F. KEENAN, D.  
LOWELL JENSEN, J. FREDERICK MOTZ, ROBERT L. MILLER, JR.,  
KATHRYN H. VRATIL\* AND DAVID R. HANSEN, JUDGES OF THE PANEL******TRANSFER ORDER***

This litigation currently consists of the 23 actions in the Southern District of New York, three actions in the District of Connecticut, two actions in the District of New Jersey, and one action in the Northern District of Illinois as listed on the attached Schedule A. Before the Panel are two motions collectively encompassing the 29 actions, pursuant to 28 U.S.C. § 1407, for coordinated or consolidated pretrial proceedings in the Southern District of New York. Movants are i) plaintiffs in two of the Southern District of New York actions brought under the Employee Retirement Income Security Act of 1974 (ERISA); and ii) common defendant Pfizer Inc. (Pfizer) along with 28 individual defendants.<sup>1</sup> There is general agreement among the moving and responding parties that some form of Section 1407 centralization is appropriate in this docket. Disagreement exists concerning whether actions brought under ERISA should be centralized in a separate multidistrict litigation docket or should otherwise be segregated from the other actions.

On the basis of the papers filed and hearing session held, the Panel finds that these 29 actions involve common questions of fact, and that centralization under Section 1407 in the Southern District of New York will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. All actions share factual questions arising from allegations that Pfizer misrepresented and/or concealed the safety risks of its COX-2 inhibitor drugs – Celebrex and Bextra – and that this conduct affected its financial condition. Whether the actions are brought by securities holders seeking relief under the federal securities laws, shareholders suing derivatively on behalf of

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\* Judge Vratil took no part in the decision of this matter.

<sup>1</sup> Henry A. McKinnell; Michael S. Brown; M. Anthony Burns; Robert N. Burt; W. Don Cornwell; William H. Gray III; Constance J. Horner; William R. Howell; Stanley O. Ikenberry; George A. Lorch; Dana G. Mead; Franklin D. Raines; Ruth J. Simmons; William C. Steere, Jr.; Jean-Paul Vallès; David Shedlarz; Karen Katen; Jeffrey B. Kindler; Peer B. Corr; John L. LaMattina; Nat Ricciardi; Sharon Kinsman; Constantine Clemente; John F. Niblack; Alex J. Mandl; Michael I. Sovern; Harry P. Kamen; and George B. Harvey.

## SCHEDULE A

### MDL-1688 -- In re Pfizer Inc. Securities, Derivative & "ERISA" Litigation

#### District of Connecticut

*Harry M. Hoffman v. Pfizer, Inc., et al.*, C.A. No. 3:04-2196  
*Jeffrey M. Romm v. Pfizer, Inc., et al.*, C.A. No. 3:05-103  
*Frances J. McFarland v. Pfizer, Inc., et al.*, C.A. No. 3:05-192

#### Northern District of Illinois

*Alan G. Berlow, etc. v. Pfizer, Inc., et al.*, C.A. No. 1:05-879

#### District of New Jersey

*Maria Van Gelder, etc. v. Pfizer, Inc., et al.*, C.A. No. 2:04-6210  
*David Rich, etc. v. Pfizer, Inc., et al.*, C.A. No. 2:05-213

#### Southern District of New York

*L. Norman Showers v. Pfizer, Inc., et al.*, C.A. No. 1:04-9866  
*Philip Morabito v. Pfizer, Inc., et al.*, C.A. No. 1:04-9967  
*John Haggerty v. Pfizer, Inc., et al.*, C.A. No. 1:04-10001  
*Derrick Hawkins, et al. v. Pfizer, Inc., et al.*, C.A. No. 1:04-10071  
*Barbara Zarowitz, etc. v. Henry A. McKinnell, et al.*, C.A. No. 1:04-10075  
*Marvin Freeman, etc. v. Henry A. McKinnell, et al.*, C.A. No. 1:04-10085  
*Doris Staehr, etc. v. Henry A. McKinnell, et al.*, C.A. No. 1:04-10096  
*Gail Fink, etc. v. Henry A. McKinnell, et al.*, C.A. No. 1:04-10098  
*James Baker, etc. v. Henry A. McKinnell, et al.*, C.A. No. 1:04-10118  
*Sanford Flinker, et al. v. Henry A. McKinnell, et al.*, C.A. No. 1:04-10141  
*Sheldon Miller F.C. Defined Benefit Plan Dated November 1, 2002 v. Pfizer, Inc., et al.*,  
C.A. No. 1:04-10224  
*Arkansas Carpenters Pension Fund, etc. v. Henry A. McKinnell, et al.*, C.A. No. 1:04-10257  
*Shirley Schaffer, et al. v. Pfizer, Inc., et al.*, C.A. No. 1:04-10296  
*Marilyn Clark, etc. v. Henry A. McKinnell, et al.*, C.A. No. 1:05-51  
*Ronald Hodge v. Pfizer, Inc., et al.*, C.A. No. 1:05-125  
*Bob Wang, etc. v. Pfizer, Inc., et al.*, C.A. No. 1:05-735  
*Nick Hay v. Pfizer, Inc., et al.*, C.A. No. 1:05-983  
*Maria Van Gelder, et al. v. Pfizer, Inc., et al.*, C.A. No. 1:05-1308  
*Peter F. Muffie, et al. v. Pfizer, Inc., et al.*, C.A. No. 1:05-1920  
*Phyllis Ann Jaffee IRA, et al. v. Pfizer, Inc., et al.*, C.A. No. 1:05-2017  
*Amalgamated Bank, et al. v. Pfizer, Inc., et al.*, C.A. No. 1:05-2076  
*Frank Bambino v. Pfizer, Inc., et al.*, C.A. No. 1:05-2510  
*Dennis Dunn v. Pfizer, Inc., et al.*, C.A. No. 1:05-2874